



05043.P001

Patent

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lawrence E. Foltzer, et al.

Serial No.: 09/838,085

Filed: April 18, 2001

For: V GROOVE OPTIC SWITCH

Assistant Commissioner for Patents

BOX MISSING PARTS

Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
(FILING DATE GRANTED)

Sir:

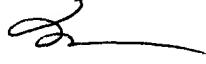
In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed June 15, 2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);
- (3) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 7/31/01


Michael J. Mallie
Reg. No. 36,591

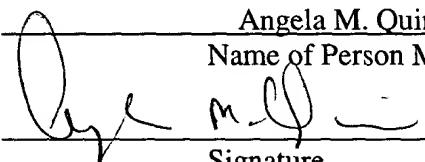
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8598

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

On July 31, 2001
Date of Deposit

Angela M. Quinn
Name of Person Mailing Correspondence


Signature

7-31-01
Date



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known:

Application No. 09/838,085
Filing Date April 18, 2001
First Named Inventor Lawrence E. Foltzer
Group Art Unit Not Yet Assigned
Examiner Name Not Yet Assigned
Attorney Docket No. 05043.P001

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check

Other

FEE CALCULATION

1. BASIC FILING FEE

| <u>Large Entity</u> | <u>Small Entity</u> | | |
|------------------------------------|---------------------|------|------|
| Fee | Fee | Fee | Fee |
| Code | (\$) | Code | (\$) |
| 101 | 710 | 201 | 355 |
| 106 | 320 | 206 | 160 |
| 107 | 490 | 207 | 245 |
| 108 | 710 | 208 | 355 |
| 114 | 150 | 214 | 75 |
| <u>Fee Description</u> | | | |
| Utility application filing fee | | | |
| Design application filing fee | | | |
| Plant filing fee | | | |
| Reissue filing fee | | | |
| Provisional application filing fee | | | |
| <u>Fee Paid</u> | | | |

SUBTOTAL (1) \$ 02. EXTRA CLAIM FEES

| | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fee Paid</u> |
|--------------------|---------------------|---------------------------|-----------------|
| Total Claims | <u>- 20** =</u> | X | = |
| Independent Claims | <u>- 3** =</u> | X | = |
| Multiple Dependent | | | = |

**Or number previously paid, if greater; For Reissues, see below.

| <u>Large Entity</u> | <u>Small Entity</u> | | |
|---|---------------------|------|------|
| Fee | Fee | Fee | |
| Code | (\$) | Code | (\$) |
| 103 | 18 | 203 | 9 |
| 102 | 80 | 202 | 40 |
| 104 | 270 | 204 | 135 |
| 109 | 80 | 209 | 40 |
| 110 | 18 | 210 | 9 |
| <u>Fee Description</u> | | | |
| Claims in excess of 20 | | | |
| Independent claims in excess of 3 | | | |
| Multiple dependent claim, if not paid | | | |
| **Reissue independent claims over original patent | | | |
| **Reissue claims in excess of 20 and over original patent | | | |

SUBTOTAL (2) \$ 0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | | | Fee Paid |
|---------------------|-------------|---------------------|-------------|--|--|-----------------|
| Fee | Fee | Fee | Fee | Fee Description | | |
| Code | (\$) | Code | (\$) | | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | | |
| 139 | 130 | 139 | 130 | Non-English specification | | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | | |
| 119 | 310 | 219 | 155 | Notice of Appeal | | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | | |
| 121 | 270 | 221 | 135 | Request for oral hearing | | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | | |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | | |
| 143 | 440 | 243 | 220 | Design issue fee | | |
| 144 | 600 | 244 | 300 | Plant issue fee | | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | | |
| 146 | 710 | 246 | 355 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (see 37 CFR 1.129(b)) | | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | | |
| 195 | 300 | 195 | 300 | Publication fee for early, voluntary, or normal publication | | |
| 196 | 300 | 196 | 300 | Publication fee for republication | | |
| 194 | 130 | 194 | 130 | Request for voluntary publication or republication | | |
| 098 | 130 | 098 | 130 | Processing fee under 37 CFR 1.17(l) | | |
| 091 | 1,240 | 091 | 1,240 | Acceptance of unintentionally delayed claim for priority | | |

Other fee (specify) _____

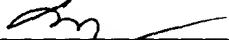
Other fee (specify) _____

SUBTOTAL (3) \$ 130.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Michael J. Mallie

Signatur :  Dat : 7/31/01

Reg. Number: 36,591 Telephone Number: (408) 720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



FIRST CLASS CERTIFICATE OF MAILING

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on July 31, 2001

Date of Deposit

Angel M. Winn

Name of Person Mailing Correspondence

AMW

7-31-01

Signature

Date

Serial/Patent No.: 09/838,085 Filing/Issue Date: 4/18/01
Client: Turin Networks
Title: V GROOVE OPTIC SWITCH

bstz File No.: 05043.P001 Atty/Secty Initials: MJM/ amq
Date Mailed: 06/04/01 7/31/01 Docket Due Date: 8/15/01

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

| | | |
|---|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.) | <input type="checkbox"/> Express Mail No.: _____ | <input checked="" type="checkbox"/> Check No. <u>44323</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate) | <input type="checkbox"/> _____ Month(s) Extension of Time | Amt: <u>130.00</u> |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO 144 (____ pgs.) | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.) | <input type="checkbox"/> Issue Fee Transmittal | Amt: _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.) | <input type="checkbox"/> Notice of Appeal | |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.) | <input type="checkbox"/> Petition for Extension of Time | |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.) | <input type="checkbox"/> Petition for _____ | |
| <input type="checkbox"/> Application - Design (____ pgs.) | <input checked="" type="checkbox"/> Postcard | |
| <input type="checkbox"/> Application - PCT (____ pgs.) | <input type="checkbox"/> Power of Attorney (____ pgs.) | |
| <input type="checkbox"/> Application - Provisional (____ pgs.) | <input type="checkbox"/> Preliminary Amendment (____ pgs.) | |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Reply Brief (____ pgs.) | |
| <input type="checkbox"/> Certificate of Mailing | <input checked="" type="checkbox"/> Response to Notice of Missing Parts | |
| <input checked="" type="checkbox"/> Declaration & POA <u>5</u> pgs.) | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business | |
| <input type="checkbox"/> Disclosure Docs & Orig & Cpy of Inventor's Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate | |
| <input type="checkbox"/> Drawings: ____ # of sheets includes ____ figures | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate | |

Other: Copy of Notice to File Missing Parts (1 pg.)



UNITED STATES PATENT AND TRADEMARK OFFICE

113 Page 1 of 2
Sector 14
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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/838,085 | 04/18/2001 | Lawrence E. Foltzer | 05043.P001 |

CONFIRMATION NO. 9574

FORMALITIES LETTER

Michael J. Mallie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026



Barcode
0000000006188009

Date Mailed: 06/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*